

\*\*\* NOT FOR PUBLICATION \*\*\*

NO. 24335

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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KRISTIAN YAMASHIRO, Claimant-Appellant

vs.

DAI TOKYO ROYAL INSURANCE CO., Respondent-Appellee

---

APPEAL FROM THE THIRD CIRCUIT COURT  
(S.P. 01-1-13)

SUMMARY DISPOSITION ORDER

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Claimant-appellant Kristian Yamashiro appeals from the May 22, 2000 order of the circuit court of the third circuit, the Honorable Greg K. Nakamura presiding, granting confirmation of an arbitration award in favor of Yamashiro and denying Yamashiro's request for attorney's fees, costs, and prejudgment and post-judgment interest. Yamashiro's sole point on appeal is that the circuit court erred by refusing to award attorney's fees and costs pursuant to Hawai'i Revised Statutes (HRS) § 431:10-242 (1993).

Upon carefully reviewing the record and the briefs submitted by the parties and having given due consideration to the arguments advanced and the issues raised, we hold that the circuit court did not err by denying attorney's fees and costs, inasmuch as HRS § 431:10-242 is inapplicable to proceedings confirming an arbitration award. See Labrador v. Liberty Mut. Group, 103 Hawai'i 206, 81 P.3d 386 (2003). Therefore,

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IT IS HEREBY ORDERED that the order from which the appeal is taken is affirmed.

DATED: Honolulu, Hawai'i, July 26, 2004.

On the briefs:

Phillip L. Carey  
of Ahmadia & Carey  
for claimant-appellant

Wayne Sakamoto and  
Leonard R. Gouveia, Jr.  
for respondent-appellee